



Attorney's Docket No. 045600/274148

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Carozzi et al. Confirmation No.: 5854
Appl. No.: 10/782,096 Art Unit: 1638
Filed: February 19, 2004 Examiner: Not Assigned
For: AXMI-009, A DELTA-ENDOTOXIN GENE AND METHODS FOR ITS USE

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
CITATION UNDER 37 C.F.R. § 1.97**

Sir:

Attached is a list of documents on form PTO-1449. In accordance with the Office waiver published July 11, 2003, copies of the cited U.S. patents and patent application publications are not enclosed. Applicant does enclose copies of any cited foreign patent documents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

It is requested that the Examiner consider these documents and officially make them of record in accordance with the provisions of 37 C.F.R. § 1.97 and Section 609 of the MPEP. By submitting the listed documents, Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead submitting the listed documents for the sake of full disclosure.

Respectfully submitted,

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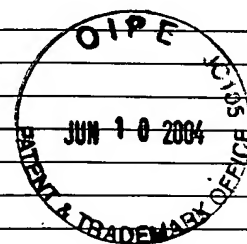
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Nora C Martinez
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Substitute for form 1449/PTO (Revised 04/2003) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/782,096
				Filing Date	February 19, 2004
				First Named Inventor	Carozzi et al.
				Group Art Unit	1638
Examiner Name	Not Assigned				
Sheet	1	of	1	Attorney Docket Number	045600/274148



U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear
	1	US-5,466,597	11-14-1995	Peferoen et al.	
	2	US-5,683,691	11-04-1997	Peferoen et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No.	Foreign Patent Document Country Code - Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

OTHER DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	English Language Translation Attached
	3	BARLOY, F., et al., "Cloning and Expression of the First Anaerobic Toxin Gene from <i>Clostridium bifermentans</i> subsp. <i>malaysia</i> , Encoding a New Mosquitocidal Protein with Homologies to <i>Bacillus thuringiensis</i> Delta-Endotoxins," <i>Journal of Bacteriology</i> , June 1996, pp. 3099-3105, Vol. 178, No. 11	
	4	DONOVAN, W., et al., "Characterization of Two Genes Encoding <i>Bacillus thuringiensis</i> insecticidal Crystal Proteins Toxic to <i>Coleoptera</i> Species," <i>Applied and Environmental Microbiology</i> , December 1992, pp. 3921-3927, Vol. 58, No. 12	
	5	SICK, A., et al., "Nucleotide Sequence of a Coleopteran-active Toxin Gene from a New Isolate of <i>Bacillus thuringiensis</i> subsp. <i>tolworthi</i> ," <i>Nucleic Acids Research</i> , December 19, 1989, pp. 1305, Vol. 18, No. 5	
	6	NCBI Database Report for Accession No. AAA21117, Direct Submission on December 15, 1993	
	7	NCBI Database Report for Accession No. AAA74198, Direct Submission on July 14, 1995	
	8	NCBI Database Report for Accession No. AAC61891, Direct Submission on January 29, 1997	

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Examiner Signature		Date Considered	
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.